

PRELIMINARY AMENDMENT

Appl. No.: _____

[Continuation of Application No.: 09/259,300
filed March 1, 1999]

REMARKS

This application is a Continuation Application of pending parent Application No. 09/259,300, filed March 1, 1999. In the parent application, claims 76 and 77, directed to chemically stable insecticidal pellets containing acephate as an active compound, were allowed in the August 21, 2001 Notice of Allowability. The present Continuation Application presents additional claims for examination, which are likewise directed to chemically stable insecticidal pellets containing acephate as an active compound.

Among newly presented claims 69-91, claims 69, 79 and 83 are independent claims directed to preferred embodiments of the present invention. Each of these claims has certain features in common with the allowed claims of the parent application; however, the present claims are directed to different particular combinations of features and/or have a different scope in one or more regards than the allowed claims of the parent application. However, virtually all of the various features claimed in claims 69-91 are believed to have been claimed in one or more of the original claims of the present application and its parent, now cancelled, or were presented during prosecution of the parent but were cancelled without prejudice or disclaimer. Thus, no issues of new matter arise and entry of claims 69-91 for examination on the merits are respectfully requested. New claim 83 recites that the claimed pellet remains substantially free-flowing without caking or compaction under drum storage conditions. Since this particular property of the pellets is not believed to have been expressly recited in the claims of the prior

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application(s), the Examiner is kindly requested to refer to page 6, first full paragraph, Example 7 and Figures 1 and 2 for support.

Further, newly presented independent claims 69 and 83 define the pellet as "consisting essentially of" acephate and the other recited components. Such language would exclude significant amounts of non-specified ingredients which would affect the novel and material properties of the claimed pellets. *See, e.g., PPG Industries, Inc. v. The Guardian Industries Corp.*, 48 USPQ 2d 1351, 1353-54 (Fed. Cir. 1998).

All of claims 69-91 are believed to be patentable over the prior art of record. An Information Disclosure Statement listing all of the documents of record in the parent application is submitted herewith; if any of the listed documents is not readily available to the Examiner, they can be easily supplied upon request by the undersigned.

In view of the foregoing, it is believed that the present application is in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,



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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1-68 are hereby cancelled without prejudice or disclaimer.

Claims 69-91 are added as new claims.

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